

Remarks

This is a response to the Office Action dated December 18, 2007.

The Examiner states that claims 5-8 are directed towards non-statutory subject matter.

Claim 5 has been amended, following the Examiner's suggestion, to be directed to "a computer program in a computer readable medium". It is respectfully submitted that "a computer program in a computer readable medium" is statutory subject matter. The subject matters of claims 6-8, which depend from amended claim 5, therefore are also statutory.

The computer readable medium in amended claim 5 is supported by the ROM (specification, page 18, lines 3-9).

The non-statutory subject matter rejection is therefore believed to have been overcome.

The Examiner has rejected claims 1-20 as being unpatentable over Cohen et al (US7123731) in view of Gu (US6968065) and further in view of Baekgaard (US6272229).

Claims 1, 5, 9, 13, and 17-19 have been amended to recite that a clap generated by a listener at a listening point is captured by the loudspeakers of the respective channels as sound pickup data. This limitation is supported by the specification, for example on page 18, lines 26-28 and Figures 4 and 5. The use of a clap generated by a listener at a listening point for the setting of a sound field allows the setting to be easier and lower in cost than that in cases where a test-sound generating machine is used for the setting of a sound field. This is an advantage provided by the subject matters of amended claims 1, 5, 9, 13, and 17-19.

A feature of the subject matters of amended claims 1, 5, 9, 13, and 17-19 is thus that a clap generated by a listener at a listening point is captured by the loudspeakers of the respective channels as sound pickup data for the setting of a sound field. Since a clap generated by a listener is used, a machine for generating a sound is therefore unnecessary. And as the listening point is freely and arbitrarily chosen by the listener, the place at which the listener claps becomes an ideal listening point where an optimal sound field is available (specification, page 34, lines 16-20). These are some of the advantages provided by the instant invention as covered by amended claims 1, 5, 9, 13, and 17-19.

Cohen discloses that the listener needs to hold a remote position sensor 27, which is used to measure the position of the listener with respect to the speakers, and the sweet spot is then shifted to the listening position (column 4, line 62 to column 5, line 1). The remote position sensor 27 comprises the microphones or the transducers 28-31 (column 5, lines 19-20). A sound is generated by one of the speakers, and the generated sound is received by the microphones or the transducers 28-31 for measuring the position of the speaker (column 5, lines 23-57).

Cohen does not teach that a clap generated by a listener at a listening point is captured by the loudspeakers for the setting of a sound field. Rather, Cohen requires the listener to carry with him or her the remote position sensor 27. Further, the remote position sensor 27 in Cohen is designed to receive the sound at the listening position, which sound is generated by the loudspeaker.

Gu discloses that the speaker 220 is used as a microphone (column 3, lines 50-56), and the user claps to start the speaker's diaphragm and magnet vibrating in order to start the playback operation (column 6, lines 14-43).

Gu does not teach that a clap generated by a listener at a listening point is captured by the loudspeakers for the setting of a sound field. In Gu, the clap by the user is to start the playback operation, and the place at which the user claps is not the listening point

where the optimal sound field is available. In Gu, the clap by the user is not for the setting of a sound field.

Baekgaard discloses a hearing aid having two microphones. The signal levels in the microphones are determined by the level detectors 10 and 11, and the parameter control circuit 12 performs comparison of the two signal levels and determines in which way the gain of the controllable gain amplifier 13 should be adjusted to make the two signal levels as equal as possible (column 4, lines 25-35). In Baekgaard, during the initial or periodical adjustment procedure, the microphones receive the test sound generated by the test sound source fixed in space (column 3, lines 7-11).

Baekgaard does not teach that a clap generated by a listener at a listening point is captured by the loudspeakers for the setting of a sound field.

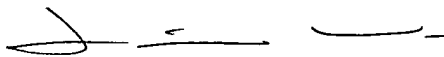
Accordingly, none of Cohen, Gu, and Baekgaard teaches the feature of the subject matters of amended claims 1, 5, 9, 13, and 17-19 that a clap generated by a listener at a listening point is captured by the loudspeakers of the respective channels as sound pickup data for the setting of a sound field. Furthermore, the systems and apparatuses in Cohen, Gu, and Baekgaard do not have the above-mentioned advantages provided by the subject matters of amended claims 1, 5, 9, 13, and 17-19.

That Gu only teaches the starting of the playback operation by clapping means that even were the Gu system combined with the Cohen system, and further with the Baekgaard system, such combination, if possible, would only result in a system that is adapted to begin a playback operation by the clapping of the user. Thus, the setting of the sound field by a clap could not result in the predictable use of the prior art elements of Cohen, Gu and Baekgaard, as required for an obviousness rejection under the mandate set forth by the Supreme Court in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. CT. 1727, 550 U.S. _____ (2007), at page 13 of slip opinion issued on April 30, 2007.

Thus, it is respectfully submitted that amended claims 1, 5, 9, 13, and 17-19 are patentable over Cohen, Gu, and Baekgaard. Claims 2-4, 6-8, 10-12, 14-16 and 20, which are directly or indirectly dependent from respective amended claims 1, 5, 9, 13, and 19, are therefore likewise patentable over Cohen, Gu, and Baekgaard.

In view of the foregoing, the Examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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